

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Minnesota Life Insurance Company,
Advantus Capital Management, Inc., and
Securian Financial Group, Inc.,

Civil No. 03-4383 DWF/SRN

Plaintiffs,

v.
AXA Investment Managers,
Frederick Fritz Feuerherm, and
Wayne Schmidt,

ORDER

Defendants.

IT IS HEREBY ORDERED that:

1. This Court's July 22, 2005 Order (Doc. No. 274) is **VACATED**. The Clerk of Court shall remove the July 22, 2005 Order from the Court file;
2. The Clerk of Court shall **REMOVE** the following documents from the Court file:

Doc. No. 176: Motion for Leave to Add Claim for Punitive Damages (filed March 4, 2005);

Doc. No. 177: Notice of Motion to Add Claim for Punitive Damages (filed March 4, 2005);

Doc No. 178: Affidavit of David M. Wilk (with Exhibits 1-84) (conventionally filed on March 4, 2005);

Doc. No. 179: Memorandum in Support of Plaintiffs' Motion to Amend to Seek Punitive Damages (filed March 4, 2005);

Doc. No. 190: Memorandum of Law of Defendant AXA Investment

Managers in Opposition to Plaintiffs' Motion to Amend Complaint to
Assert Claims for Punitive Damages (filed on March 11, 2005);

Doc. No. 191: Affidavit of Dean L. LeDoux (with Exhibits 1 & 2) (filed on
March 11, 2005);

Doc. No. 198: Memorandum in Opposition to Plaintiffs' Motion to Amend to
Seek Punitive Damages (filed on March 11, 2005);

Doc. No. 199: Declaration of Mary L. Knoblauch (with Exhibits 1-16)
conventionally filed on March 11, 2005);

Doc. No. 288: Notice of Appeal of AXA Investment Managers From
Magistrate Judge's Punitive Damages Order (Filed in Error) (filed
August 5, 2005);

Doc No. 289: Memorandum of Law in Support of the Appeal of Defendant
AXA Investment Managers From the Magistrate Judge's Punitive
Damages Order (filed August 5, 2005);

Doc. No. 290: Notice of Appeal of AXA Investment Managers From
Magistrate Judge's Punitive Damages Order (filed August 5, 2005);

Doc. No. 292: Notice of Appeal to Federal Court (Filed in Error) (filed
August 5, 2005);

Doc. No. 293: Defendants Frederick "Fritz" Feuerherm and Wayne
Schmidt's Memorandum in Support of their Appeal From the
Magistrate Judge's Order Allowing a Punitive Damages Claim (filed

August 5, 2005);

Doc. No. 295: Appeal of Magistrate Judge's Decision to District Court (filed August 5, 2005);

Doc. No. 305: Second Amended Complaint (filed on August 18, 2005);

Doc. No. 307: Memorandum in Opposition to Defendants' Appeal of Magistrate Judge Nelson's Punitive Damages Order (filed August 19, 2005);

Doc. No. 308: Affidavit of Sarah L. Beuning (with Exhibits A-D) (filed August 19, 2005);

Doc. No. 311: Answer of AXA Investment Managers to Second Amended Complaint (filed on August 30, 2005); and

Doc. No. 313: Answer of Defendants Frederick "Fritz" Feuerherm and Wayne Schmidt to Second Amended Complaint (filed August 31, 2005); and

3. To the extent any of the documents listed above are filed under seal or filed conventionally, the Clerk of Court shall return the documents to the filing party by any means deemed appropriate by the Clerk of Court, including requesting that the filing party retrieve said document(s) from the Clerk's Office.

Dated: October 13, 2005

s/ Susan Richard Nelson
SUSAN RICHARD NELSON
United States Magistrate Judge